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A
SHORT
TREATISE

Touching
Sheriffs Accompts.

Written by
Sir MATTHEW HALE, Kt.
Sometime Lord Chief Justice of
the *King's-Bench.*

L O N D O N :

Printed for J. WALTHOE in the *Middle-
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19

W. Musgrave.

This tract appeared when it was
written in the year 1662
upon Occasion of a Dispute between
the Auditors of the Land Revenue
& the Clerk of the Paper respecting
the Surveying of the Church's Land.

Thomas Mordaunt of the
of the paper the Auditors of the Land
it was printed in 1662.



FOR
The Right Honourable
THE
LORD HIGH TREASURER
OF
ENGLAND,
And the
CHANCELLOR
Of the
EXCHEQUER.

ACcording to my Promise to your Lordships, I have given a large Historical Narrative of the Sheriffs Accompts for the

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Epistle Dedicatory.

Annual Revenue of their Countries : Wherein some things may occur that may be usefull to the understanding of the Sheriffs Accompts, and many other old obscure Records, and some things incidently opened that have been formerly obscure and scarce intelligible, yet fit to be known. Some things also relating to the difference between the Auditors of the Revenue, and the Officers of the Pipe. There may be some mistakes of my own, I confess, in a matter of so great intricacy, perplexity and obsoleteness, which I could not easily correct, in the Country, because many
of

Epistle Dedicatory.

of my Papers are at *London* that concern this business, and, I fear, hardly to be retrieved into a due order, in regard of the late distraction. And here may be some mistakes in the Transcriber, which at this distance I could not examine. But, possibly, notwithstanding these mistakes, Your Lordships may find something that may be usefull, and when I wait upon you I shall review and correct.

Your Lordships

humble Servant.

THE

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A Short
TREATISE

Touching
Sheriffs Accompts.

CHAP. I.

Touching the ancient and modern Weight and Allay of Sterling Silver.

IT will be necessary for the better understanding of Sheriffs accompts, especially in the elder times, to examine these matters, viz.

I. Touching the Denomination,
Weight and Allay of Sterling Money,

B

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ney, the Corruptions thereof in both, and the remedies that have been formerly applied for the reformation of these corruptions.

II. Concerning Firmes, their nature, and how they were answered in former times. The first shall be the subject of this Chapter, the second the subject of the next.

Concerning the former of these, I shall apply my self singly to the business of Silver Coin, because that was the usual species wherein the King's Firmes were commonly answered.

And first, concerning the Coin of Silver, there are these things considerable therein.

1. The Authority or Power that gives it its Stamp, Weight, Denomination and Value.
2. The Matter of it.
3. The Weight and Denomination.

As concerning the first of these, it is, without all question, the inherent Regality and Prerogative of the Crown, to give the Currantness,

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ness, Allay, Weight, Denomination and extrinsique Value to the Coin of this Kingdom: and as it is a part of his Regality and Prerogative, so it is a part of his Regal Revenue, which is called the King's Seigniorage, or Royalty, or Coinage, viz. ordinarily, on every pound weight of Gold, the King had for his Coin 5s. out of which he paid to the Master of the Mint, for his work, sometimes 1s. sometimes 1s. 6d. Upon every pound weight of Silver, the Seigniorage, or Coinage, answered to the King, in the time of King *Edw. 3.* was 8 peny weight, *pondere*, which about that time amounted to 1s. out of which he paid sometimes 8d. sometimes 9d. to the Master. In the time of *H. 5.* the King's Seigniorage of every pound weight of Silver was 15d. See *Rot. Parl. 9 H. 5. pars 2. N. 15.* although the Authorization, Denomination and Stamp of Coin was undoubtedly the King's right, yet it appears by *Roger Hawood*, that in the troublesome times of King

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Stephen, viz. An. Dom. 1149. Omnes Potentes, tam Episcopi quam Comites & Barones, suam faciebant monetam. But Henry the second coming to the Crown, remedied this usurpation of the Baronage : *Novam fecit monetam quæ sola recepta erat & accepta in regno.* And since that time, the exercise as well as the right of coining of Money in the Kingdom hath remained uninterruptedly in the Crown. It is true, that by certain ancient privileges, derived by Charter and Usage from the Crown, divers, especially of the eminent Clergy, had their Mints or Coinages of Money. As the Abbot of *St. Edmunds-bury, Claus. 32 H. 8. m. 15. dorso* : And the Archbishop of *York Claus. 5 E. 3. pars 1. m. 10. 19. dorso*, and some others. But although they had the profit of the Coin, yet they had neither the Denomination, Stamp, nor Allay : for upon every change of the Coin by the King's Proclamation, there issued over a Mandate to the Treasurer

furor and Barons to deliver a Stamp over to those private Mints to be used. But this liberty of Coinage in private Lords hath been long since disused, and in a great measure, if not altogether, reassumed by the Statute of 3 *H. 7. Cap. 6.*

2. Concerning the second, *viz.* the Matter or Species whereof the currant Coin of this Kingdom hath been made, it is Gold or Silver, but not altogether pure, but with an Allay of Copper, at least from the time of King *H. 1.* and *H. 2.* though possibly in ancients times the Species whereof the Coin was made might be pure Gold or Silver; and this Allay was that which gave the Denomination of Sterling to that Coin, *viz.* Sterling Gold, or Sterling Silver: Wherein there will be inquirable,

1. Whence that Denomination came.

2. How ancient that Denomination was.

3. What was the Allay that gave Silver that Denomination.

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For the former of these there are various conjectures, and nothing of certainty.

Spelman supposeth it to take that Denomination from the *Esterlings*, who, as he supposeth, came over and reformed our Coin to that *Al-lay*. Of this opinion was *Cambden*, *A Germanis, quos Angli Esterlings, ab Orientali situ, vocarunt, facta est appellatio; quos Johannes Rex, ad Argentum in suam puritatem redigendam, primus evocavit: & ejusmodi nummi Esterlingi, in antiquis scripturis semper reperiuntur.* Some suppose that it might be taken up from the *Starre Judæorum*, who being the great Brokers for Money, accepted and allowed Money of that *Allay*, for currant payment of their Stars or obligations. Others from the impression of a Sterling, or of an Asterisck upon the Coin. *Pur ceo que le form d'un Stare, dont le diminutive est Sterling, fuit impressé ou stamp sur ceo.*

Auters pur ceo que le primer de cest Standard fuit coyn en le Castle de

de Sterlin in Scotland pur le Roy
 Edw. 1. And possibly as the proper name of the fourth part of a Penny was called a Farthing, and ordinarily a Ferling; so in truth the proper name of a Penny in those times was called a Sterling, without any other reason of it than the use of the times and arbitrary imposition, as other names usually grow. For the old Act of 51 H. 3. called *Compositio Mensurarum*, tells us that *Denarius Angliæ Sterlingus dicitur*. And because this was the root of the measure, especially of Silver Coin, as will be shewed, therefore all our Coin of the same Alloy was also called Sterling, as five Shillings Sterling, five Pounds Sterling.

2. When this name of Sterling came first in is uncertain, onely we are certain it was a Denomination in use in the time of H. 3. or Ed. 1. and after-ages. But it was not in use at the time of the compiling of Doomsday, for if it were we should have found it there, where there is

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so great occasion of mention of
Firmes, Rents and Payments.

*Standard del mony en French est
appel Pied de mony per Bodin, Pes
monetarum, quasi Princeps ibi pedem
figit.*

*Matth. Paris mag. Hist. 220. b.
In le 12 an. de Roy John le premier
standard del English mony fuit esta-
blish en Realm d' Ireland, et fuit e-
qual al primes, & que l' English mo-
ny ne fuit au quart part melior in
value que l' Irish, come ceo ad estre
depuis le temps del Edw. 4. Et
fuit change in Ireland come ceo fuit
change in Engleterre. Le primer
difference & inequality inter les
Standards del English monies, &
Irish monies est troue in 5 Ed. 4.
car donq; fuit declare in Parliament
icy que le Noble serra curreant en
cest Realm pur 10s. & issint fuit
que l' Irish Shilling forsque 9d. Den-
gletre.*

*Hovenden in Rich 1. fol. 377. b.
Videns igitur Galfridus Eboracensis
electus, quod nisi mediante pecunia
amorem Regis sui nullatenus habere
possit,*

possit, promisit ei tria millia Librarum Sterlingorum pro amore ejus habendo. Que fuit devant le temps del Roy John; pur que semble que le temps quant cest money fuit primerment coin est uncertain. Car ascuns dient que fuit fait per Osbright un Roy de Saxon race 160 ans devant le Norman conquest. Nummus a Numa que fuit le primer Roy que fesoit moneies en Rome. Issint Sterlings, alias Esterlings, queux primes fesoient le money de cest Standard en Engleterre.

3. As touching the Allay that is by use and custom fitted to that Money which we call the Sterling, or Sterling Allay; perchance we shall not find that constancy in the Allay as is generally thought.

The Sterling Allay of Gold, according to the Red Book of the Exchequer is this. The Pound weight of Gold consists of twenty four Charats, every Charat weighing half an Ounce of Silver; and every Charat of Gold consists of four Grains, and consequently every Grain

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Grain of Gold weighing thirty of these Grains which we call Silver Grains, whereof hereafter.

In the time of *Edw. 3.* the Pound of Sterling Gold consisted of twenty three Charats, three Grains and a half of pure Gold, and half a Grain of Allay of Copper.

The Sterling Silver, as it seems to me, in former times had an Allay differing from what it is at this day. At this day a Pound weight of Silver (*viz.* 12 Ounces to the Pound, or *Troy* weight) consists of eleven Ounces two Penny-weight of fine Silver, and eighteen Penny-weight of Allay or Copper: every Pound containing twelve Ounces, and every Ounce divided into 20 parts called twenty Penny-weight: For at that time 20 Penny-weight weighed one Ounce, which though the Penny-weight be altered, yet the Denomination continues. And this Allay was in use in the forty sixth year of King *Edw. 3.* and for some time before, and hath continued ever since.

In

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In the Treatise of Money in the Red Book of the Exchequer which seems to be written in the time of *Edw. 3.* for it mentions the Indentures of the Mint in 23 *Ed. 3.* it is said the use was then that in every pound weight of Sterling Silver there was sixteen Penny-weight of Allay : the consequence whereof is that the Pound of Sterling Silver then contained eleven Ounces four Penny-weight of fine Silver, and sixteen Penny-weight of Copper.

And it should seem by what follows in the Chapter, that in the time of *H. 2.* the Allay of Copper in Sterling Silver was less than that : For upon every Pound weight of Silver Money they used to allow 12 Penny-weight *ad dealbandam firmam* ; which seems to be the remedy for the reduction of the Money then currant into fine Silver, *sed de hoc postea.*

But at this day, and for very many reasons, the Allay of Sterling Silver hath been 18 Penny-weight of Copper allowed to 11 Ounces
2 Pe-

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2 Penny-weight of fine Silver; thereby making up the Pound weight Troy of Sterling. *Vid.* Indentures of the Mint, *Claus.* 46 *Ed.* 3. *m.* 18. *Dors.* *Claus.* 1. *H.* 5. *m.* 35. *Dors.* *Claus.* 4. *Ed.* 4. *m.* 20. And this I take at this day to continue the Standard of Sterling Silver.

29 E. 1. *Per special ordinance del Roy les Pollards & Crockards fueront decrie & adnul, quel ordinance fuit transmit in Realm d' Ireland & enrol en Exchequer icy, come est troue in Libro rubro Scaccarii, ibid. pars 2. fol. 2. b.*

En temps E. 1. Denarius Angliæ, qui nominatur Sterlingus, rotundus sine tonsura, ponderabit triginta & duo grana in medio spicæ.

Sterlingus & Denarius sont tout Dy. 6. & un. Le Shilling consistoit 7 Ed. 6. de 12 Sterlings. 25 E. 3. cap. 6. Le substance de cest denier ou Sterling Penny al primes fuit vicesima pars uncia. Et issint continue

tanq. 9 E. 3. quant l' ounce del Silver fuit tallie in 26 pence que proportion fuit conti-

Rastal Money. 345.

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*continue tanq. 2 H. 6. quant l' ounce
del Silver fesoit 32 pence. Et cest
iusq; al 5 E. 4. quant fesoit 40 pence.
Et cest iusques 36 H. 8. quant il
prepare son journey al Bulloigne &
donq; fuit divide en 45 pence. Que
continue iusques al 2 El. quant l' ounce
de pure Silver fuit tallie en
60 pence, & cest Standard Davies 24.
remain a cest jour.*

*Et quælibet libra de sterling a-
voit 18d. ob. d' allay de Copper, &
nient plus. Et cest allay de sterling
Mony les Ordinances ou Statutes de
25 E. 3. cap. 13. & 2 H. 6. cap. 13.
font mention, & est contein en tous
Indentures fait enter le Roy & les
Maisters del Mint.*

CHAP. II.

*Concerning the Weight of Coin,
and the difference therein,
with regard to the Denomi-
nation of Coin.*

THE Pound weight of Gold though it were the same with that of Silver, yet is made up of smaller parts of a different Denomination, every Pound weight consisting of 24 Charats, and every Charat consisting of 4 Grains.

The Pound weight of Silver is subdivided into parts of another Denomination; for every Pound consists of 20 Penny-weights, and every Penny-weight of 24 Grains. This appears by the Books and Records above mentioned. *Et tous susdits moneyes d'argent issint faites serront dallay de Standard de veil Esterling: Cest ascavoir que chescun leivre d'argent de cestes moneyes de poize tien-
dra*

dra vnze ounces & 2d. de poize dargent fine, & 18d. de poys dallay, chescun peny weight containant 24 grains.

So that every Charat in the Pound weight of Gold equals half an Ounce of Silver; and every Grain of Gold, the fourth part of a Charat, equals 60 Grains of Silver weight.

In that old Ordinance, before mentioned called *Compositio Mensurarum* 51 H. 3. it is said, *Per ordinationes totius Regni Angliæ sit una mensura Domini Regis composita, viz. quod Denarius Angliæ, qui nominatur Sterlingus, rotundus sine tonsura ponderabit triginta & duo Grana frumenti in medio spicæ; & viginti Denarii faciunt Unciam; & duodecim Unciæ faciunt Libram, &c.*

But these thirty two Grains in the middle of the ear of Corn, are the natural Grains, which were the weight of the then English Sterling Peny. But for the better accommodation of Accompts, these 32 natural Grains are reduced to 24 artificial Grains, which

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which, from very ancient time unto this day are the common measure of the Penny-weight, as the 20 Penny-weight is the measure of an Ounce.

Having thus stated the artificial weights of Gold, and Silver, especially the latter, I shall proceed to the comparison that now and anciently stands between these artificial weights and the Coin of Silver.

It is very plain that in the latter end of *H. 3.* and the beginning of King *Ed. 1.* and for a long time before, twenty Pence of Sterling Money did weigh an Ounce, and twelve times twenty Pence or twenty Shillings did then weigh a Pound Troy weight: and accordingly as twenty Penny-weight was then an Ounce, and so called, so two hundred forty Pence, or twenty Shillings was a Pound weight, and so called, *viz. Libra Argenti.* And although at this day the Penny and the 20 Shillings of Silver is much altered in their true weight, yet the Denomination is still retained. The Ounce is commonly divided and esti-

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estimated by 20 Penny-weight, and 20 Shillings is called *Libra Argenti*.

In the time of King *Edw. 1.* (as appears) an Ounce of Sterling Silver made 20 Sterling Pence, and consequently a Pound of Sterling Silver made 240 Pence Sterling. But process of time hath made a great alteration between the Weight and extrinsique Denomination or Value of Money.

In 46 *E. 3.* it appears by the Indenture of the Mint that a Pound of Sterling Silver made then 300 Sterling Pence. *Claus. 46. E. 3. m. 18.*

And afterwards in 1 *H. 5.* the reduction of Coin was such that a Pound weight of Sterling Silver made 360 Pence Sterling. *Claus. 1 H. 5. m. 35. dorso.* Which made the Pound weight of Silver to contain 30 Shillings, and deducting 1 Shilling for Coinage, the Merchant had 29 Shillings for his Pound of Silver brought into the Mint.

In the 4th year of *Ed. 4.* the Pound of Sterling Silver yielded 33 Shillings

C

viz.

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viz. about 396 Pence in the Pound:
and consequently 33 Sterling Pence
then made the Ounce of Silver.

Claus. 4. E. 4. m. 20.

At this day the Ounce of Silver
coined contains 5 Shillings, or 60
Pence: and consequently the Pound
weight of coined Silver yields 60
Sterlings or 720 pence. So that
at this day the extrinsecal Deno-
mination or Value of Money in
proportion to its Weight, is three
times higher than it was in the
time of *E. 1.* And thus much
shall suffice touching the second
enquiry.

CHAP.

CHAP. III.

Touching the Corruptions of Money, and the remedies anciently used in relation thereunto.

BY what hath been before said it appeareth, the two special requisites of the currant Coin of this Kingdom are,

I. That it be of the true Standard in relation to its weight.

II. Of the true Standard with relation to its Allay: and proportionably to these two requisites are these defects, which have hapned in Moneys in modern and ancient times, viz.

I. The defect in the due weight of Money which hapned sometimes by counterfeiting the Sterling Money, though with a weight below the Standard. Sometimes by clipping, or otherwise im-

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pairing the weight of true Money.

2. The defect in the due Allay :
viz. overcharging the fine Silver or Gold with an Allay of Copper more than the Standard, which hapned sometimes by the deceit or ignorance of the officers of the Mint, and sometimes by the counterfeiture of the Coin of *England*.

And by these practices the King's Exchequer (into or through which the most of the Money of the Kingdom successively came) was many times surcharged with such defective Money, and the King thereby deceived in his Firmes.

And therefore in ancient times there were successive experiments made by the officers of the King's revenue for the discovery and avoiding of these defective Monies and that his Rents might be answered in Money of a just weight and Allay; which, for the better understanding of ancient Records, remain here to be explicated, *viz.* *Solutio ad Scalam*, *Solutio ad Pensum*, and Combustion, or tryal by fire.

fire. The two former being such Remedies as related to defective Weight, and the latter being the Remedy that relates to defect in the Standard of Allay. And, touching this business, although we have very frequent mention of them, in the Pipe-rolls especially, yet the best, and contemporary exposition of them is *Gervasius Tilburienfis*, or the black Book of the Exchequer, written in the time of *H. 2.* who gives us the accompt thereof in his first Book, *Cap. A quibus, & ad quid inventa fuit Argenti examinatio*, who thus expounds it.

I. Solutio ad Scalam, viz. præter quamlibet Libram numeratam sex Denarios, which it seems was agreed upon a *medium* to be the common estimate or Remedy for the defective Weight of Money, thereby to avoid the trouble of weighing the Money which was brought into the Exchequer. And this is the meaning of that frequent expression in the ancient Pipe-rolls *In Thesauro 100l. ad Scalam*, which

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seems to be one hundred Pounds, and one hundred Sixpences, or fifty Shillings.

2. *Solutio ad Pensum*: which was the payment of Money into the Exchequer by full weight, viz. that a Pound, or 20s. in Silver, *numero*, or by tale, should not be received for a Pound unless it did exactly weigh a Pound weight Troy, or twelve Ounces, and if it wanted any, that then the Payer should make good the weight by adding other Money although it amounted to more or less than 6d. in the Pound (which was the *Solutio ad Scalum*, as before is mentioned.) And thus frequently occurs in the Pipe-rolls, *In Thesauro 100l. and pensum*, or full weight.

3. Combustion or tryal by fire: which is by *Gervase* supposed to be set on foot by the Bishop of *Salisbury*, then Treasurer, (though in truth it were much more ancient, as appears by frequent passages in the Book of Doomsday:) and the Author gives the reason: *Licet enim numero & pondere videretur esse satisfactum,*

tisfactum, non tamen materia. Consequens enim non erat ut si pro Libra una numerata 20 Solidos, etiam Libra ponderis respondentis consequenter Libram solvisset: Argentum enim Cupro vel quovis Ære solvisset. And thereupon ensued the constitution of examination of Money at the Exchequer by Combustion. Whether this examination was to reduce an equation of Money onely to Sterling, *viz.* a due proportion of Allay with Copper; or to reduce it to fine and pure Silver, and to make the estimate of the Pound or *Libra Argenti*, reserved of their Firmes to be in pure Silver, and without Allay, doth not so clearly appear. Some think the former; and therefore that the old expression of *Firma alba*, blank Firm, and *dealbare Firmam*, was nothing else but Coin melted down and reduced to the Allay of Sterling, and after blanced, or whited, as is done by the Moneyers with their Sterling Coin of Silver, which is to this day called blanching. *Vid. Spelman in*

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tit. Firmam dealbare. But yet it may seem, by what ensues, that it was to reduce it to fine Silver, and to the estimate of the Pound, or *Libra Argenti* accordingly; for it is evident by what follows, that the difference between a Pound, or *Libra Argenti numero*, and *Libra Argenti blanch*, was 12 Pence in every Pound: which possibly might be that the allowed Allay of Copper in the Sterling Silver was then twelve Pence weight of Copper in the Pound of fine Silver, whereas it is now 18 Penny-weight in the Pound. This tryal of Silver by Combustion, in those elder ages soon prevailed and obtained against the former reductions *ad Scalam*, & *ad Pensum*, as being the onely infallible tryal of the truth of the Metal, whereby the former reductions of *Pensum* and *Scalam* became in time antiquated.

And this begat the distinction in the old Rolls of the estimate of Money *Numero*, and the estimate *Blanc*: and in pursuance thereto the reservations

vations of Rents and Firmes by the King were sometimes *Numero*, and sometimes *Blanc*.

The reservations of Rents *numero* were no other but so much Money reserved in *Pecuniis numeratis*: as *reddendo quinque Libras numero* was fivescore Shillings, which amounted in common estimation to five Pounds Troy weight: And this was the ancient and usual reservation, and, *prima facie*, unless the contrary were expressed, upon all Grants of Lands (reserving so much Rent) it was intended *numero*; that is, so much in Money numbred, and the Firmor was not bound *de-albare Firmam*, or to make good so much in fine Silver, or, if you will, in such silver as was of the first Allay.

The reservation of so much Money, or so many Pounds *blanc* did enforce the Firmor to make good to the King so much in fine Silver, (or at least in the purest Sterling) and therefore such Firmor, when he paid in his Firme upon such a reservation

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vation *blanc*, was bound *dealbare Firmam*, which was to submit his Money to the test of the fire; and to answer his Money, and make it good in fine Silver according to the reservation, or to pay in allowance thereof that rate which was the ordinary measure of reduction of it to fine Silver, which was 12 *d.* for every Pound as shall be shewed.

And hereupon grew the common difference which is everywhere mentioned in the Pipe-rolls of Firmes *numero*, and Firmes *blanc* or *alb. Firme*.

This difference of these Firmes is expounded by the Black Book of the Exchequer, *Lib. 2. Cap. Quid sit quosdam fundos dari blanc, quosdam numero, viz.* that if a Firme or Tenement were let by the King generally, without expressing *blanc* or *numero*, it was to be answered onely *numero*, unless specially reserved *blanc*, (*viz. 5s. blanc.*) But if a Royalty or Franchise were onely granted, then the general reservation of so much Rent, was to be *blanc* Rent.

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Rent. Porro, *Firmam numero dari* diximus cum tantum numerando, non examinando ipso satisfit. Cum ergo Rex *Firmam* alicui contulerit, simul cum *Hundredo* vel placito quæ ex hoc proveniunt, *Firma dealbari* dicitur: (in simpliciter fundum dederit (non determinans cum *Hundredo* vel blanc.) numero datus dicitur. And from this diversity of the Rents arising in any County (some *blanc* onely, some *numero* onely, some in both) arose the diversity in the titling of the Sheriffs Accompts, viz.

Firma de remanente Comitatus post terras datas blanc: which was applicable to those Rents of his County, which were answered in fine Silver reduced to the test by combustion, or with an allowance of 12*d.* in the Pound in compensation of it.

Firma Comitatus numero, was his *Firme* for those Rents of his County which were onely answered in Money numbred, without reducing them to their fineness by Combustion, or any satisfaction for
it

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it: But of this more fully in the ensuing Chapter.

I have before mentioned that when any Firme was reserved or answered *blanc*, the Money was to be melted and answered in fine Silver, or at least to Silver allayed to right and finest Sterling; or else he was to redeem himself from that trouble by payment of 12*d.* in the Pound: So that that Person upon whom there was reserved 5*l. blanc* was to pay 5*l. 5s.* if he would not have his Money melted down and made good in fine Silver (or at least in true Sterling.) And this appears to be true by infinite Records: Take two or three for instance.

*In compoto cum Northampton, 21 H. 3. Summa totalis 102*l.* 3*s.* 7*d.* de qua 4*l.* 9*s.* 4*d.* blanc, quæ sunt extensæ ad 4*l.* 13*s.* 9*d.* subtrahuntur ad perficiendum corpus Comitatus & remanet 97*l.* 13*s.* 10*d.* de quibus respondet de proficuo in magno Rotulo.*

Claus. 13. H. 3. m. 2. Sciatis quod perdonavimus dilectæ Sorori nostræ A. Comitissæ Pembroc centum triginta

*ginta & quinque Libras blanc, quæ
extensæ sunt ad centum quadraginta
& unum Libras, & quindecim Solidos.*

*In Compoto Bedf. & Bucks, 13 E.
3 Nic. Passelew de 18l. 4s. 4d. nu-
mero pro 17l. 7s. blanc.*

In all these the proportion riseth
very near, bating the small frag-
ments in Pence, that every Pound
blanc answered one Shilling over,
to reduce it to its value.

And hence it is that at this day
the ancient Firmors of Cities, as
London, &c. which were common-
ly reserved *blanc*, do pay the same
in Sterling Money, and one Shil-
ling for every pound over: As if
100*l. blanc* be reserved, there is an-
swered at this day in the Receipt
105*l.* which, as before, makes me
suppose that *blanc Firme*, or *deal-
bata Firma*, was in truth when it
was reduced to fine Silver, and not
barely Sterling: for this advance of
12*d.* in the Pound upon such *blanc*
Firmes is still answered though paid
in Sterling.

CHAP. IV.

Concerning the manner of answering the King's Firmes anciently.

IN ancient times, viz. about the time of *William* the first and *Henry* the second, the reservation of the King's Firmes and Rents were so many Pounds or Shillings, &c. in Money, and they were answered *numero*, or in *Pecuniis numeratis*, untill afterward for the avoiding of corrupt Money, they were reserved in *blanc* or white Money, which, as before is observed, was intended either of pure Silver, (or at least Silver reduced to the Al-
lay of Sterling) and then whitened or blanchd, as is used in the Mint to this day, for all Sterling Money: I shall not much contend whether it were the one or the other, but for the most part in this Discourse I shall suppose it fine Silver.

But

But although Firmes were reserved in Money, as the best and commonest measures of values, yet it appears by *Tilburienfis*, *Lib. 1. Cap. A quibus & ad quid instituta fuit Argenti examinatio*; that it was in those ancient times of King *W. 2.* and *H. 1.* usually practised that those Firmes should, according to their values be answered in Cattle, Corn and other provisions; which perchance in its first institution might be a convenience to the King, to have his Family furnished with provisions *in specie*, and to the Country, among whom Money was not then very plentiful, and they could better answer their Rents in Provisions.

And to the end that an equation might be made between the Rents reserved in Money and the Provision delivered by the Tenants in lieu thereof, the same *Tilburienfis* tells us, there were certain prices and rates set upon provisions, that the Tenant might know what to pay, and the King's Officers might know what to receive. As for Wheat for

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100 men 12*d.* for a fat Ox 12*d.* &c. which it seems were delivered to the hands of the Sheriff who, if he fir- med the County, might retain it to his own use; but if he firmed it not he accompted to the King, for these Provisions or their values, as he did for other rates of the County col- lected by him.

But as for Cities and Franchises that were granted out to Firme, be- cause they had not Provisions of this nature to answer, they paid their Rents in Money.

Thus, it seems, the King's Firmes of Rents of his Firmors and Tenants in the Country were answered in the time of King *William* the first and *William* his son. But in the time of *H. 1.* the Tenants were weary of answering their Rents in provisi- ons, and the King's foreign occasi- ons called rather for a supply of Mo- ney, and so the Rents were answer- ed by the Tenants as formerly in Money according to the tenour of their reservations, and the delivery of Victual and other Provisions in lieu thereof ceased.

CHAP.

CHAP. V.

Concerning the manner of collecting the King's Revenues of the County, and the several kinds of them with their several Titles.

THE Sheriff of the County had a double Office: 1. As a Minister of Justice under the King for the preservation of Peace, and Writs issuing from the King's Courts. 2. As the King's Bayliff of his Revenues arising in the County, which was of two kinds.

1. The improving and letting, and sometimes stocking of the King's Demesnes, and such Lands as were seized into the King's hands (other than such as belonged to the Escheator, as Wardships and Escheats.) And hence it is that there are upon the accompts, especially of *Buckingham*
D *ham*

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ham and *Bedford*, allowances made to the Sheriff of that County *ut* *Comitatus*.

2. The second part of his Office was in collecting of the King's Rents of his County, which sometimes he did as *Custos* or Bayly; sometimes *ut Firmarius*, viz. he took the Rents to his own use, and answered the King a certain Firme or Rent at his own peril, whereof more in the ensuing Discourse. Now concerning the kinds of the King's Revenues arising in the several Counties, we are to take notice that they were of two kinds, viz. Annual or Casual.

The Annual Revenue was again of two kinds, viz. Fixed and Certain, or Casual and Uncertain.

The Annual, Fixed and Certain Revenue of the Counties were of these kinds.

1. The King's Demesnes that were in his own hands, or let at Rack-rents to Tenants, whereof I have before spoken, and they make
not

not much for that purpose I aim at.

2. Firmes, which were of two kinds, viz. Gross Firmes which were charged upon particular persons, or Cities, or Towns, and so charged in the great Roll; as thus, *Philippus d'Aura debet 2 Marc. de reditu unius virgate terre.* And these were thus charged upon these two reasons: 1. Either because they were never parcel of the Sheriffs Firme of this County, (*de quo infra,*) but great Firmes written out to the Sheriff to be answered by the persons upon whom they were charged. 2. Or else they were such as happened to be reserved after the Firme of the County was reduced to certainty and answered by the Sheriffs. Or else, Secondly, they were small rents commonly called Vicontiel Rents; the Particulars whereof we shall enumerate under their several heads in due time.

3 Common Fines, at first imposed upon Townships, upon several occasions, as for *Bon pleder*, for Suit and Ward, for excuse of attending

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the Sheriffs turn : and these grew in process of time to be fixed and settled Revenues. And these again were of two Sorts ; such as came within the Title of *Firma Comitatus* , and were written out under that general head, viz. *sub nomine Vicecomitis* : And some again were written to the Sheriff in the particular charge of such and such Townships and Lands , and so charged upon the Towns by the express words of the process.

4. Arrentations of Assarts and Purprestures in Waits and Forests set by Justices in *Eyre*, which for the most part were written out in charge against the particular Lands upon which they were charged : and some perchanse were demanded in a gross Summ, among other small Rents *sub nomine Vicecomitis*.

5. *Crementum Comitatus*, or *Firma de cremento Comitatus* ; which were some improvements of the King's Rents above the ancient *Vicontiel* Rents, for which the Sheriff answered under the title of *Firma Comi-*

Comitatus. And this *Crementum Comitatus* or the several small advances of the old Vicontiel Rents, were answered under the title of *Crementum Comitatus*, or *Firma de cremento Comitatus*. But those kinds of *Firmes de cremento* are onely found in the Counties of *Bedford*, *Bucks*, *Norfolk*, *Suffolk*, *Warwick*, *Leicester*, *Wigorn* and *Gloucester*: Certain other Summs annually charged in gross upon the Sheriff for certain other small or minute Rents under several titles in several Counties; as, *De Cornagio*, *de Wardis*, *Castle de Firma*, *Purprest & Escaet de diversis Firmis*, *de minutis particulis*, *Serjancia de tr̄is assert infra divers forest*: all which were charged in gross Summs upon the Sheriff, and *sub nomine Vic.* without expressing any particulars, or upon whom they were charged, which because they were not common to all Countries, but varied according to the various usage of several Counties, I shall not at large handle, but shall content my self with the en-

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quiry into those that were the common charges of the Sheriffs of every severall County, viz. the *Corpus Comitatus*, and the *Proficua Comitatus*.

The Vicontiel Rents that made up the Sheriffs Firme of the Body of the County, came under various Titles and Denominations in severall Counties, viz.

1. *Reditus Assize* in Cumberland, Hertford, Surry.
2. *Firme & feodi Firme* in Cumberland, Northumberland, Nottingham, Stafford.
3. *Firma antiqua* in Huntington.
4. *Albe Firme* in Norf. & Suff.
5. *Blanch Firmes* in Ebor', & Suff.
6. *Blanc Rents* in Kent.
7. *Albus Cervus* in Dorset.
8. *Auxilium Vicecom'* in Cant', Cumbr', Essex, Hunt', Leic', North', Suffex, Warw', Wilts.
9. *Auxilium ad Turcum Vicecom'* in Devon.
10. *Hidage* in Berks, Bedf. Bucks, Oxon.

11. *Presta-*

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11. *Prestatio pro pulchre placitando in Bedf, Bucks.*
12. *Secta & Warda in Bedf, Bucks.*
13. *Visus Franci plegii in Bedf, Bucks, Cant, Hunt, Essex, Hertford, North'ton, Somerset, South'ton, Stafford.*
14. *Certitudines in Berks, Heref, Rutland.*
15. *Certi reditus in Lincoln, Leicester, Somerset, South'ton, Warwick & Wilts.*
16. *Certi reditus ad communem finem in Derby, Nottingham.*
17. *Reditus pro Warda Castri in Cant, Northum, Oxon, Norf, & Suff.*
18. *Reditus ad Turnum Hundredi in Dorset.*
19. *Finis antiquus in Essex.*
20. *Finis pro secta Curie relaxand in Berks & Oxon.*
21. *Communes fines in Glouc, Heref, Hertf, Surry, Suffolc, Salop.*
22. *Fines Aldermannorum in Suffex.*

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23. *Turnum Vicecom' in Essex & Hertl'.*
24. *Setta Burg. & Vill. in Cant'.*
25. *Suit Silver in Staff'.*
26. *Hundred Silver in Norf'.*
27. *Faith Silver in Staff'.*
28. *Pannel Silver in Norf'.*
29. *Ward Silver in Essex.*
30. *Certum lete cum Capitag' in Norf'.*
31. *Leet fee in Suff'.*
32. *Soken fees in Suff'.*
33. *Mott fee in Salop,*

These are the general Titles of those Vicontiel Rents that usually came under the Title of *Firma Comitatus*, which were written generally *sub Nomine Vicecom'*, without expressions of the particulars : But the Sheriff that had a particular Roll of these Vicontiel Rents, delivered in that Roll many times upon his Accompts, though not written especially in charge under those names, or in particular by the Summons of the Pipe : And thus much concerning the certain Annual Revenue,

2. The

2. The uncertain Annual Revenue was the *Proscuum Comitatus*, which in ancient times when most of the Law-suits were transacted in the Counties and Hundred-Court, was a considerable Revenue. But since that time, *viz.* about the beginning of *E. 1.* when much of that business was transacted at the great Courts, this profit of the County sunk to very little. And in my enquiry touching this part of the Revenue, I shall First set down what it was not : Secondly, I shall set down what it was, and how it did arise.

1. Touching the former of these what it was not ; I say, most clearly it was not that profit which is now the onely considerable profit of the Sheriffs employments, *viz.* the Fees and Perquisites for the execution of Writs, and Process and Execution issuing out of the King's Courts. For,

1. Untill the Stat. of 23 *H.6.c.10.* there were no Fees at all by Law due for any execution of Process or Warrants

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Warrants for the same. Till the Stat. of 29 *El.* 2. there were no Fees allowed by Law for levying of Debts or Damages: But by the express provision of the Stat. of *Westminster* the first, the Sheriff was bound to execute the King's Process without any Fee, which is no other but a declaration of the Common Law.

2. In no Viscontil Schedule or Accompt of the County that ever I could see or hear of, is there any Accompt for Fees for execution of Process, or any mention thereof.

3. If the Sheriff did in those elder times take any Fees for execution of Writs, there was no colour of reason that he should accompt for that: and if he did take more than a reasonable recompence for his pains, it was more than could be justified, and not at all due to the King.

II. But now, as to the Second enquiry, what this *Proscium Comitatus* was: And it seems very plain that it was made up principally by these

these particulars, as most evidently appears by divers accompts of Sheriffs in ancient times, when they accompted *ut Custodes* or *Ballivi*, not *ut Firmarii*, viz.

I. The Fines, Issues and Amercements, and other Profits of the County-Courts, which in those ancient times were very considerable, for it held Plea in all Writs that were Vicontiel, directed immediately to the Sheriff out of the Chancery, viz. by Justices; and many times not onely personal Suits were removed thither out of inferiour Court-Barons and Hundred-Courts, but also Pleas Real, viz. Writs of Right; and in ancient time many real Actions, especially Writs of Right were determined in the County. And therefore it is frequent in the old Schedules of *Proficua Comitatus*, especially in *Torkshire* in the times of R. 1. and King John, such as these, viz. *De J. S. pro licentia concordandi demimark.* *De J. S. pro Warrantia Essonii 2s.* and sometimes a Mark *pro mⁱa Comitatus*, sometimes

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times 10s. *quia retraxit se, Demimark. De pretio bonorum per distringas demimark. Pro transgressione 2s. Pro falso clamore demimark, &c.*

So that it appears in the accompt of 20 *Johannis Regis*, the profits of the bare County-Court of *York* for one half year amounted to 31 *li.* which is more than 100*l.* in a just estimate at this day.

2. The Profits of the Sheriffs Turns, or the Sheriffs Leets, which had Consuance of matter Criminal, as his County-Court was for matters Civil : and the Profit consisted,

1. In Amercements of Sutors that made default.

2. In the Fines and Amercements of such as were convict of offences inquirable in the turn ; as Nufances, Bloudshed, Affize of Bread and Beer, &c. and these arose usually to a considerable Summ yearly.

3. The Profits of the Hundred-Courts and Wappentake-Courts ; the Profits whereof consisted in the Fines, Amercements and other Perqui-

Perquisites of the Hundred-Court, which the Sheriff sometimes took in kind ; sometimes he let it to Firme. These Baylywicks of these Hundreds, and with them the Profits and Perquisites of Courts were sometimes let to Firme by the King, and in such cases the Sheriff accompted *Proficua Ballivatus*, which oftentimes arose to very considerable Summs. In the time of *H. 3.* the Firmes of the Baylywicks of the Hundreds in *Torkshire*, beside *Stancliff* and *Strafford*, were let for 100*l.* 6*s.* 8*d.* per annum, which was then a considerable Summ, and amounts now in Sterling Money to thrice as much. But as the business and jurisdiction of the Hundred-Courts sunk gradually in their employment, (whereby the Perquisites now do but little surmount the charge of keeping them) so now by the Stat. of 23 *H. 6. cap. 10.* the Sheriff is restrained from letting the Baylywick to Firme ; and most of the Hundreds, at least in many Counties, are disjoined from the County
and

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and granted out, some in Fee-farm, and some otherwise, though there have been frequent attempts of re-joining them to the Sheriffs by acts of Resumption.

And these are the Profits that made up the *Proficuum Comitatus*, for which the Sheriff most commonly in ancient time answered as *Firmarius* at a certain Rent, though sometimes he accompted for it as *Custos* or *Ballivus* as shall be shewn. And I know no other Perquisite that made up the *Proficuum Comitatus* but what is above mentioned; onely in *Northumberland* there were some Castle-gard-Rents that were in truth Vicontiel Rents, and in their propriety and nature belonged to the *Corpus Comitatus*, which yet by constant usage were usually answered among the *Proficua Comitatus*. And thus far concerning the annual Revenue of the County, both Certain and Uncertain, chargeable upon the Sheriffs collection.

2. The Revenue Casual consisted of many Particles under various Heads

Heads or Titles, *viz.* Debts drawn into the Pipe, and thence written out unto the Sheriff. Fines voluntary or compulsory. Seisures of Lands and Compositions, &c. they may be reduced under these three Heads at this day.

1. The Debts written out to the Sheriff from the several Offices, *viz.* the two Remembrancers, Clerk of the Pipe, &c.

2. The Summons of the **Green Wax**, written to the Sheriff with the Estreats from the Treasurer's Remembrancers.

3. The foreign Accompt, or Seisures of Lands for Debts or Forfeitures.

As touching escheated Lands and Wardships they came under the Escheator's charge, and the Profits thereof rarely answered by the Sheriff, unless for some few ancient Escheats.

CHAP. VI.

*Concerning the manner how
the Annual Revenue of the
County was usually answered
in the ancient times untill
10 E. 1.*

HAVING shewed what the Annual Profits of the County consisted of, I shall now descend to the manner how it was anciently answered. The Sheriff, as hath been shewn was the King's Bayly for the collecting of the King's Revenue: And touching the manner of his collecting and answering them, and therein principally concerning those two great parts of the Annual Revenue, *viz. the Corpus Comitatus*, or when it was in Firme, the *Firma corporis Comitatus*: And the *Proficuum Comitatus*, and when it was in Firme, the *Firma de proficuo Comitatus*; both which shall be
hereafter

hereafter more fully explained.

These Profits were anciently, and are to this day, answered at two Terms in the year, viz. Michaelmas and Easter.

But to enable the more effectual levyin, of them, there always issued to the Sheriff before Easter and Michaelmas, out of the Exchequer a Writ called the Summons of the Pipe, which had annexed to it the charge or Summs for which the Sheriff was answerable, viz. those which were charged upon himself *sub nomine Vicecomitis*, and those which are charged upon others. The Form of the Writ is recorded in the black Book of the Exchequer, *Lib. 2. cap. Qualiter fient Summonitiones*; which continue to this day, viz. *Rex Vic' Ebor' Salutem. Vide sicut teipsum & omnia tua diligas quod sis ad Scaccarium nostrum Westm' in Cro' Sancti Michaelis, vel in Cro' Clausi Paschæ, & habeas ibi quicquid debes de vetere firma vel nova: Et nominatim hæc debita subscripta.* And then the whole charge is inserted which

E

common-

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monly began with these annual Re-
venues, viz.

De Corpore Comitatus

(or if it were in Firme)

De Firma de Corpore Com. 100 bl.

De Numero Comitatus 10

De Proficuo Comitatus

(or if in Firme)

De Firma de proficuo Com. 50

And then the Summ in gross charged upon the Sheriff for divers small Rents, and then afterwards all those Firmes that were charged upon particular persons *seriatim* and in order.

And according to the order wherein they were written out to the Sheriff, accordingly in effect were the Accompts passed, and the Entries made thereof in the great Roll of the Pipe, onely the particulars in the Writ was their charge of the Sheriff, unto which he was to give his answer upon his Accompt, and then there are entred his discharges.

And

And this Firme continues there to this day, with such alterations as are hereafter mentioned : and therefore the Ordinance or Statute *in Libro Rubro Scaccarii, fol. 242.* made in 54 H. 3. is nothing else but the stable and fixed method for writing the great Roll, observed both before and since that day. *

Primò, Scribatur Corpus Comitatus, deinde Eleemosyne constitute, & Liberationes & Bri'a prisci Vicecom' sicut semper fuit consuetum. Deinde oneretur Vic' de Firmis pro proficuo Comitatus vel de proficuis : Deinde scribantur omnes Firme tam majores quam minores, &c.

And although the certain *Debet* of the Sheriff could not be known before the finishing of his Accompt, because it could not be known what he levied, and what not; and what he had paid, and what not; (which Accompt was not untill the end of his year) yet it seems there was anciently an estimate what this constant charge of the annual Revenue amounted unto, and what the con-

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stant allowances amounted unto, according to a *medium*, or possibly according to those Firmes and gross Summs which were charged immediately upon the Sheriff *sub nomine Vicecomitis*; and these Summs were paid into the Exchequer at the return of the Writ of Summons of the Pipe,* and they were, and are to this day called *Profre Vicecom'*, or the Sheriffs Proffers. And by the Statute of 51 H. 3. called *Statutum de Scaccario*, those proffers are appointed to be paid on the morrow of St. Michael, and the morrow *post Clausum Paschæ*; and the payment of these proffers are continued to this day: But although they are paid, yet if upon the conclusion of the Sheriffs Accompt, and after the allowances and discharges had by him, it appears that he be in surplussage, or that he is charged with more than indeed he could receive, he hath sometimes, and for the most part, all his proffers paid or allowed to him again: and so indeed it is but a mock payment, a payment kept

kept on foot to maintain the old method of his Accompt, but is in effect but so much Money lent, for he hath it (and justly enough) allowed to him back again: the reason and justice whereof shall be shewn hereafter. And now to return again from whence we digressed, I shall now search out the meaning of these Firmes, *Corpus Comitatus bl.* and *Numerus Comitatus*, and *Firma de Corpore Comitatus*, and *Proficua Comitatus*, and *Firma de proficuo Comitatus*, I mean as they relate to the Sheriffs Accompt for what the things were is sufficiently discovered before.

Therefore as to the *Corpus Comitatus*, I have already shewn in the precedent Chapter, what it consisted of, viz. the Vicontiel Rents of the County; and they consisted of two sorts of payment, viz. those that were answered in *blanch* Money, and those that were answered in Money numbred. And this ordinarily made two titles of the *Cor-*

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pus Comitatus in most Counties, *viz.* where there were Firmes of these differing natures, and they are then thus noted, *viz.*

<i>De Corpore Comitatus</i>	100 <i>l.</i> bl.
<i>De Numero Comitatus</i>	50

And they were written out thus generally, without expressing the severall Vicontiel Rents, but onely the gross Summs what they amounted to *blanc*, and what they amounted to *numero*, or *de numero Comitatus*. And the Sheriff upon his Accompt was used to bring in a Vicontiel Roll, containing these particular Vicontiel Rents, what they were and what he had levied.

By this it appears that in the first constitution of this Vicontiel Accompt the Sheriff accompted for these Rents as Bayly or *Custos*, and answered what he levied though they were written out, and stood upon the great Roll all in a lump, and when the Sheriff accompted thus, he accompted as *Custos* or Bayly.
But

But in process of time (but that time very ancient) the Sheriff for the time being took the *Corpus Comitatus* or Vicontiel Rents to Firme, which Firme for the most part amounted to very near the entire quantity of the Vicontiel Rents. And this Firme in many Counties was very ancient, for we find them mentioned in the Pipe-rolls of the time of King *John* and *R. 1.*

And by this means the Sheriff was to answer at his peril his Firme, for it became his own debt, and he was to gather up the Vicontiel Rents to his own use to make himself a Saver.

The Sheriffs Commission hereupon was with the reservation of the Firme, and although we have not memorials of all those reservations, yet of some we have.

Inter Communia of 19 E. 1. Bedf. Bucks, Rex 16. Jan. Anno 19. *Commissit Will. Turvil Com' Bedf. & Bucks cum pertinent' custodiend' quamdiu Regi placuerit reddendo inde per annum quantum Johannes Pa-*

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lam nuper Vicecomes eorundem reddere consuevit.

And by little and little this grew into a usage, the succeeding Sheriff answering the Firme of the County, and of the Profits of the County as his predecessor had done : whereby the *Firma Comitatus* and the *Firma de proficuis Comitatus* became as settled Firmes charged upon the Sheriff though there were no expresse reservation of it upon his patent or Commission of Sheriff.

And because these Firmes were in their first reservation proportioned to the value and nature of those Rents, which now the Sheriff had, as before the King had them, *in specie* ; hence the Sheriffs Firme of the County or Body of the County as it was proportionable to the same, answered for the Vicontiel Rents ; so it was proportioned to their nature, *viz.* because some of the Vicontiel Rents were in *blanc* Money, the Sheriffs Firme corresponding to that was answered in *blanc* Money : and some of those rents being answered

swered *numero*, the Sheriffs Firme corresponding thereto was answered *numero*.

And by this Accompt the charge both upon the Summons of the Pipe and upon the great Roll was altered *viz.* whereas the former Style of the charge was *De corpore Comitatus blanc & numero*, now it was changed, *viz.*

De Firma de corpore Com' 100l. bl.
De numero Comitatus 40

Ad thus the manner of the charge stood for the times of *H. 3.* and *E. 1.* and for some time before, at least in some Counties: and so it continues to this day with such alterations as shall be shewn.

And as the *Corpus Comitatus* thus by usage grew a Firme, or Rent charged upon the Sheriff, so also did the *Crementum Comitatus*, in those Counties where such *Crementa* was answered, *viz.*

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<i>De Firma Comitatus</i>	100l.
<i>De numero Comitatus</i>	40
<i>De Cremento Comitatus</i>	10

All being governed by the word *Firma*: For, as I have said, a long letting of these Vicontiels to *Firme*, had brought them to be a settled charge, charged upon, and answered by the Sheriff; and he gathered up the Vicontiels to his own use, to make himself a Saver, and to make good his *Firme*. And thus much concerning the answering and altering of the charges of the Vicontiels, or the *Corpus Comitatus* both before and after it was in *Firme*.

2. As concerning the *Proficuum Comitatus*, the proceeding was much the same as that concerning the *Corpus Comitatus*.

In the ancienter times, when the *Proficua Comitatus* was at all answered by the Sheriff, it was answered by him, as *Custos* or Bayly upon Accompt

Accompt: Though in some ancient Pipe-rolls, for some Counties we find no distinct mention of it; as in the Pipe-roll of 19 R. 1. Glouc. *Herbertus reddit compotum de 372l. 14s. 6d. bl. de Firma Comitatus.* The like, *ibid.* 13 Johannis. But very frequently afterwards the Sheriffs, when they had the *Corpus Comitatus*, or the Certain Annual Revenues under a *Firme*, yet answered the *Proficua Comitatus* as *Custos* or Bayly: for instance, Pipe-roll 9 R. 1. Bedf. & Bucks, *Simon de Bello campo reddit compotum de 369l. 19s. 11d. bl. Et de 79l. 8s. 1d. numero, de Firma Comita',* without mentioning the *Proficua Comitatus*.

But in the Pipe-roll 25 H. 3. Bedf. & Bucks, *Paulinus Pejor, ut Firmarius reddit compotum de 369l. 19s. 11d. bl. & de 108l. numero de Firma Comitatum.*

Idem Vicecomes reddit compotum de 100 marc' pro proficuo Comitatus.

And Anno 44 H. 3. Alexander Hampden, *ut Firmarius reddit compotum de 369l. 19s. 11d. bl. & de 108l.*

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1081. numero, de Firma Comitatum.

Idem A. reddit compotum de 220 marc' pro proficuo Comitatus sicut continetur in originali.

And in 51 H. 3. Galfridus Rus ut Firmarius de anno 50 reddit compotum de 369l. 19s. 11d. bl. & de 1081 numero de Firma Comitatus.

Idem Galfridus reddit compotum de 180 marc' pro proficuo Comitatus de anno 50. sicut continetur in quodam Rotulo attachiato originali ejusdem anni.

And in the year following, Edwardus filius Regis primogenitus, Barthol. de Irene Subvicecomes ejus reddit pro eo per breve Regis, compotum de 369l. 19s. 11d. bl. & 1081. numero de Firma Comitatus hoc anno.

Idem E. Vic' non reddit de aliquo proficuo Comitatus quia Rex ei commisit dictos Comitatus respond' inde per annum de antiqua Firma corporis, sicut continetur in originali anni precedentis.

And so in the great Roll of 50 H. 3. Glouc. Reginaldus de Ale de 372l. 14s. 6d. de Firma Comitatus.

Idem

Idem Vicecomes reddit. compotum de 80 marc' pro proficuo Com' & exit' ville & nundinorum & Hundredi de Wenham sicut continetur in quodam Rotulo, &c. and so it continued in the time of *E. 1.*

By which it is evident, 1. That sometime there was nothing at all answered *pro proficuis*, but it was cast into the Firme of the County. 2. That although the body of the County, consisting of a certain yearly Revenue was in Firme, yet oftentimes the *Proficua Comitatus* were not in Firme, but the Sheriff accounted for them *ut Custos*, sometime higher, sometime lower, as the profits arose.

But in process of time the *Proficua Comitatus*, at least in some Counties, fell under a Firme, though in some Counties sooner, in some later; and having once begun to be in Firme, the succeeding Sheriff took it as his predecessour left it; and so it became in time a settled Firme, though not expressly reserved upon the Patent of every Sheriff.

. And

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And yet in such cases it was become a settled Firme, by usage and custome; yet when the Sheriff found that his Firme was too great for these profits (which were casual, sometimes more, sometimes less) he was in those elder times admitted to accompt *ut Custos*, without being bound to answer his entire Firme, unless he saw fit. But that was rarely in use after the time of *H. 4.* and accordingly it seems to be intimated in that ordinance of *54 H. 3.* above mentioned, for writing the great Roll of the Pipe, *viz. de Firmis pro Proficuis, vel de Proficuis.* And this shall suffice for the unriddling of the Sheriffs Accompts till the *10* and *11 Ed. 1.*

CHAP.

CHAP. VII.

The Second Period of the Sheriffs Accompts; viz. How they stood from 10 E. 1. untill 34 H. 8.

WE have in the former Chapter seen how the Statute of the Sheriffs Accompts stood in relation to the annual Revenue of the County, whether Certain or Uncertain, and both stand now reduced under a Firme, viz.

1. The *Corpus Comitatus* answered under a Firme; partly *blanc*, and partly *numero*.

2. The *Proficua Comitatus* gradually also reduced into a Firme intirely *numero*; but with a liberty for the Sheriff to ease himself of the excess of his Firme above the profits, by submitting to an accompt of these profits as Bayly or *Custos*.

It

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It fell out in process of time that the Kings of *England* granted away many of those Vicontiel Rents, and the Lands upon which some of them were charged, whereby the Sheriff lost much of what was to make up the Firme of his County. And although the Sheriffs, upon shewing thereof upon their Accompts, had an allowance of that which was so granted away, yet it made a trouble and disorder in the Sheriffs Accompts.

And therefore it was necessary to have some provision for the same, but this onely concerned that part of his Firme which was of the *Corpus Comitatus*, or the Firme of the Certain Annual Revenue. Therefore by the Stat. of *Rutland* 10 E. 1. this provision is settled.

Quod non scribatur de cetero corpora Comitatum in Rotulis singulis, quin scribantur in quodam Rotulo annuali per se, & legantur singulis annis super compotum Vicecomitis singula, viz. in singulis Comitatus, ut sciatur si quid nobis possit accidere

In

in quocunque Comitatu. Remanent^r vero eorundem Comitatum post terras datas scribatur in Rotulis annualibus & onerentur inde Vicecomites. In quibus quidem remanentibus allocentur liberationes, eleemosyne, &c. Scribantur etiam in eisdem Rotulis annualibus Firme Vicecomitum, proficui Comitatus, firme Serjantiar^r & Assartor^r, Firme Civitatum, Burgorum & Villarum, & alie Firme de quibus est responsum annuatim ad Scaccarium predictum. Scribantur in eisdem omnia debita terminata & omnia grossa debita de quibus spes est quod aliquod inde reddi possit. Item omnia debita quæ videntur esse clara, titulum de novis oblatiis. Nihil scribatur in Rotulo Annuali nisi ea de quibus est spes, &c. De Firmis vero mortuis & debitis de quibus non est spes, fiat unus Rotulus, & irrotulentur & legantur singulis annis super Compot^r Vicecom^r & debita de quibus Vicecomes respondebat scribantur in Rotulo annuali & ibi acquietentur.

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And by this Act these alterations were made.

I. the state of the yearly Rents which heretofore made up the *Corpus Comitatus* was examined, and it was considered what parts thereof had been granted out by the King, to the end that the Sheriffs Firme of the body of the County might be abated with respect to those grants; which reduction of the Firme is stiled *Remanentia Firme post terras datas*.

II. The old stile of *Corpus Comitatus* was now put out of the charge, and whereas formerly the Sheriffs charge was *De Firma de corpore Comitatus*, now it was changed, and the charge was *De remanente Firme post terras datas*: And accordingly it was forthwith altered in the great Roll, onely when those remaining Rents that were to make good this *Remanentia Firme*, did consist of Rents *blanc*, or of Rents *numero* onely, it was accordingly

ly written, viz. in this manner.

De remanente Firme de Com' 100l.bl.

De numero Comitatus 50

III. There was to be extracted out of the great Roll the old Rents that made up the *Corpus Comitatus* and the title thereof, and those Firmes that were *Firme mortue* or *obsolete*, illeivable Firmes, and those debts that were desperate, and the great Roll of the Pipe (which was written every year) was to be disburthened of them, and they were to be transcribed into another Roll called an Exannual Roll.

This Exannual Roll to be yearly read to the Sheriff upon his Accompt, to see what might be gotten: and if any thing appeared to be good, then the same to be recharged again upon the great Roll of the Pipe.

IV. But there was no alteration hereby made of the *Firma de Proficuis*: So that by this Act as in relation to the Firmes and Rents of

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the County these things were done.

1. Those Firmes or Rents that were wholly granted away, were wholly put out of charge, whether they were assart Rents or Firmes charged upon particular Persons or Land, or that were within the Sheriffs Firme as Vicontiel Rents. 2. If any Vicontiel Rents that made up the Sheriffs *Firma de corpore Comitatus* were granted out, the Sheriffs Firme was abated in respect thereof. 3. If there were any Obsolete or Dead Rents, that were either Vicontiel Rents or charged upon particular Lands or Persons which had not been a long time answered, they together with the *Corpus Comitatus* were removed out of the Annual Roll and transmitted into the Exannual Roll read yearly to the Sheriff, to see whether any hope of levying them: but their writing out in charge in the great Roll suspended till they might be after discovered to be leviabie.

And accordingly presently after the making of this Act, the Firme
of

of the Sheriffs charge in the Summons of the Pipe and the entry thereof upon the great Roll was changed, and this memorial is made upon the Pipe-roll for every County.

Corpus hujus Comitatus non annotatur hic, sed annotatur in quodam Rotulo in quo scribuntur omnia corpora Comitatum Angliæ in manu Regis existentia simul cum Firmis mortuis & debitis quasi desperatis quæ debent singulis annis legi & recitari super Compotum Vic' ut sciatur quid inde accidere possit Regi ex quacunque causa que sunt in Thesauro. In quibus etiam continetur quod inde Vicecomites onerentur in compotis suis predictis de remanentibus Firmarum Comitatum post terras datas. Et quod in eisdem remanentibus allocentur liberationes & Eleemosyne constitute & alie allocationes si quas Vic' habuerint per Br'ia Regis de eorundem exitibus.

And according to this Act and Memorandum the great Roll was certified: for instance, before this Act the great Roll for Gloucester did run thus.

J. F. reddit compotum de 372l. 13s. 6d. blanc. de Firma Comitatus.

But after this alteration it runs thus.

In the great Roll 12 E. 1. *Rogerus de Lockington Vicecomes reddit compotum de 38l. 14s. 11d. blanc. de remanente Firme Comitatus post terras datas.*

Idem Vic' reddit compotum de 80 marc' de Firma pro proficuis Comitatus (which was the old Firme thereof before 10 E. 1.)

So again in the Pipe-roll 10 E. 1. which was the Accompt of the year next before the making of this Act the Roll runs thus, *viz.*

Bedf. Bucks, Richardus de Gollington reddit compotum de 319l. 19s. 11d. bl. & de 108l. numero, de Firma Comitatus. Et reddit compotum

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tum de 180 marc de Firma pro proficuo Comitatus sicut Johannes de Chedley reddere consuevit. In the Roll next after the making of this Act it runs thus.

Richardus de Gollington Vic reddit compotum de 17l. 7s. bl. de remanent Firme Comitatus post terras datas sicut supra continetur, & de 108l. de Firma numero.

Et Vic reddit compotum de 100 marc de Firma pro proficuis sicut continetur in Rot. 11: By which instances these things appear, viz.

1. That the *Firma de Proficuis* continued the same as before: For therein no alteration was made by the Stat. of Rutland.

2. That the Title of the *Firma de corpore Comitatus* was changed into the Title *de remanente Firme Comitatus post terras datas.*

3. That the quantity of the Firmes were reduced to smaller Summs with respect to those Firmes or Lands charged therewith formerly and since granted out.

4. That yet the Titles of *Blanc*

F 4

and

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and *Numero* continued or were omitted as the nature of the Vicontiel Rents that remained ungranted were, *viz.* When all the *blanc* Rents were granted out, the *Firme de remanente* was answered onely *numero*. Where all the Rents *numero* were granted the Sheriff answered his *Firme* wholly *blanc*. If part of his Rent *blanc* were granted and nothing of those Rents that were answered *numero*, he answered the remaining part of his *Firme blanc*, and the entire residue *numero*. For the Sheriffs *Firme* of the County before, and *de remanente* now, did answer to the quantity, and also to the nature or quality of those Vicontiel Rents that he was to receive to make good his *Firme*.

But abating that one alteration from *Firma corporis Comitatus* to *de remanente Firme*, and the abridging of the *Firme* as before, and the discharging both of the Summons of the Pipe and the great Roll of those charges that were transcribed into the Exannual Roll, the

the rest, both of the charge and great Roll continued as before.

But notwithstanding this provision gave some ease to the Sheriffs in relation to those Firmes, yet the charging of them with these Firmes became a matter of continual complaint, for that they were still charged with these Firmes, yet many of the Rents and benefits that should make good their Firmes were sold or became illeivable after *Rot. Parl. 25 E. 3. n. 39. Item pry les Commons que tous Vicounts que sont charge de certain Firmes pur les Counties ou ils sont Vicounts soient discharge de ceo post resceit de leur Bailly per cause de Franchises grant Ronne breve soit mand al Treasurer & Barons deschequer quils faient due allowances al chescun Vicount sur le render de leur Accompts en chescun case la ou ils voilent quil soit reasonable.*

And in the same Parliament in 47, the Sheriffs of *Bedf.* and *Bucks* pray to be discharged of the Firmes of the Baylywick of their Hundreds, because those Baylywicks yielded

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yielded no profit: they are remitted to the Exchequer, *Rot. Parl.* 45 *E.* 3. n. 45. The Sheriffs of *Essex* and *Hertford*, pray an ease in respect of illeivable Firmes charged upon them, and Hundreds and Rents granted from them: answered, *Le Roy leur ad fait grace.*

By the Statute of 1 *H.* 4. cap. 11. upon the complaint that the Sheriffs are charged with the ancient Firmes of their County, notwithstanding that great part of the profits of the same be granted to Lords and others: It is enacted that the Sheriffs shall accompt in the Exchequer and have an allowance by their Oaths of the issues of their Counties.

Rot. Parl. 11 *H.* 4. n. 46. & sequent^r. The Sheriffs of several Counties complain that they are charged with several ancient Firmes which they are not able to levy, viz. *Essex* and *Hertf.* with the Firme of the County, and the Firme of the profits of the County: *York* with the Firme of the County *post terras datas*

datas. Devonshire with the remanent *Firme Comitatus post terras datas*, the *Firma de Proficuis Comitatus*, and a certain *Firme* of 100 marks called blanch *Firme*. Norfolk and Suffolk with a *Firme* called *de remanent Firme post terras datas*, and *Firma de Proficuo Comitatus*, whereof they complain that they cannot levy any thing, and besides the Hundred and Liberties granted out to the diminution of their profit; and pray remedy according to the Stat. of 1 H. 4.

They are referred to the King's Council to make such pardon and mitigation as they shall think reasonable.

Rot. Parl. 1 H. 5. n. 34, 35. The like complaints are made in the behalf of the Sheriffs, and prayed that they may have allowances out of their *Firmes* upon their oaths according to the Statute of 1 H. 4. But they have the like answer as before, viz. a reference to the Council.

But *Rot. Parl. 4 H. 5. n. 24.* and *4 H. 5. cap. 2.* The like petition is received

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received, *viz.* that by their oaths they may have an allowance of what they cannot levy out of those great Firmes that are charged *sub nomine Vic'*, *viz.* Firmes of their Counties, *blanc Firmes de novo incremento*, &c. But instead of redress they lost that benefit which the Statute of 1. H. 4. had before afforded them. And it is directly enacted that the Sheriffs shall have allowances by their oath of things casual, which lye not in Firme or annual demand: But of those things which lye in Firme annual, or demand annual, they be charged as Sheriffs in aforetime had been charged. And thus stood the business of the Sheriffs Firmes untill the Statute of 34 H. 8. which is the next Period.

CHAP.

CHAP. VIII.

Touching the State of the Sheriffs Firmes from the Statute of 34 H. 8. till the fourteenth year of the Reign of King Charles I. which is the Second Period.

WE have seen in the former Chapter how the case stood with the Sheriffs Firme after the Statute of *Rutland*, and how the Statute of 4 H. 5. cap. 2. bound the Firmes charged upon the Sheriffs, closer upon them than for some years before : and so they continued till the making of the Statute of 34 H. 8. cap. 16.

This Statute recites those several Firmes charged to the Sheriff *sub nomine Vicecomitis*, viz. *de remanent' Firme post terras datas : Firma de Proficuo Comitatus*, and those other minute Firmes demanded

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ded *sub nomine Vicecomitis*. And many of these particular small Rents that made up these Firmes charged upon the Sheriffs are lost or not leivable, or extinguished by Attainders and Dissolutions of Monasteries, and yet the Sheriffs continue charged with their Firmes as formerly. It enacts,

1. That all Sheriffs that have no Tallies of Record shall upon their days of prefixion deliver in Rolls or Schedules of Parchment containing the particular Summs of Money which he hath or might have levied as parcel of the said ancient Firmes, naming the Person and Lands of which they are to be levied.

2. That after such Schedules delivered the Court shall have power to allow and make deductions in the said Sheriffs Firmes of all such Summs of Moneys as the Firmes shall be more than the Summs in such Schedules shall amount unto.

3. And the Court shall proceed to the recovery of such Summs belonging

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longing to the said Firmes as are omitted in such Schedules.

4. That the Sheriff have allowance and discharge of all such illeivable Summs as are written to him in process.

5. That the Sheriff have allowance for entertainment of Justices, &c.

But this was but a temporary Act, and discontinued at the next Parliament. But a farther Act was after made for the ease of the Sheriff, especially in relation to those Firmes, viz. 2 and 3 *E. 6. cap. 4.* By this it is enacted,

1. That the Sheriff shall have such allowances and Tallies of reward as they had before the Act of 34 *H. 8.* or may accompt according to the Act at their election.

2. That they that accompt and take no Tally of Record shall be treated in the Exchequer as though the Act of 34 *H. 8.* were in force.

3. That those that have no Tallies of reward shall have allowance of the Diet of the Justices, &c.

4. That

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4. That all such Sheriffs as take no tallies of reward shall be discharged of all Firmes, Goods, Chattels, Profits, Casualties, &c. as they cannot levy or come by.

5. That all that have Tallies of Reward shall be discharged of all Firmes and Summs of Money that they cannot levy, except Vicontiels with which they are to remain chargeable as before the making of the former Act.

6. That Sheriffs shall have allowances of such Vicontiels as are extinguished by unity of possession in the Crown by dissolution of Monasteries.

7. That the Sheriff at his day of prefixion when he is sworn to his accompt, shall be sworn to deliver into the Court of Exchequer, Rolls or Schedules of Parchment containing all the particular Summs of Money which he hath levied or might levy of his Vicontiels or other Firmes, mentioning the Persons and Lands of which they are leviabie, and the Court to take care for the
levying

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levying of such of the Vicontiels, or Firmes, which are omitted out of the Schedules, for saving the King's rights, and to make out process for the same.

Upon these Acts these things are observable.

I. That those Sheriffs that have Tallies of reward may not discharge themselves of their Vicontiels, *viz.* the *Remanent' Firme post terras datas*, and *Cr̃o Comitatus*, and other small Rents charged *sub nomine Vicecomitis* (if he take his Tally of reward) by oath that he cannot levy it, or all of it.

II. But if such a Sheriff will wave his Tally of reward, he may account according to the Statute of 34 *H.* 8. and so discharge himself of his Vicontiels or Firmes thereof as well as other Firmes. And the truth is, I think, anciently there were some Sheriffs that had Tal-

G lies

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lies of reward, viz. York, Northampton, Cumb'land, Hereford, &c.

But since the making of this Act they have waved them, accounting it more beneficial to take the benefit of those Statutes upon their accompt, than to take their Tallies of reward. So that now all Sheriffs have an equal benefit of the Statutes of 34 H. 8. and 2 and 3 E. 6.

III. But those Sheriffs that had no Tallies of reward might discharge themselves of their Vicontiels and Firmes *de remanente Comitatus*, as well as other things that they could not levy.

IV. That all Sheriffs, as well those that had or had not Tallies of reward might discharge themselves of the casual charges, or their annual uncertain charges; and consequently might, and most ordinarily after this Statute did discharge themselves of the entire Firme *de profitibus Comitatus*, in case the profits of
their

their Counties did not surmount the charge that attended them. And by this means since the making of this Statute, those Sheriffs that were charged with the *Firma de proficuis* rarely if at all answered any thing for it, because they have always ascertained the Court that there were no such profits beyond the charge in collecting them: or that the charge of keeping the County-Court, the Turns, the Hundred-Courts, which were the things that made up the *Firma de proficuis*, surmounted the benefit.

V. And this making appear was no other than the oath of the Sheriff, that he could not levy this or that Rent, parcell of his Vicontiels, or that there were no *Proficua Comitatus*, &c. And this oath of the Sheriff hath always been the Warrant to discharge him of all or any part of his Firmes. By which means it hath most ordinarily come to pass that although the Sheriff hath paid

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in his profers at Easter and Michaelmas, yet when he comes upon his accompt he doth by his oath discharge himself of all his *Firma de remanente Comitatus*, and thereby most times the King becomes Debtor to the Sheriff for those Moneys which he received as profers, or Moneys due by the Sheriff upon his Firme.

And it is but reason; for the Statute gives him that just benefit to discharge himself by his oath of what he cannot levy or receive.

And yet though the Sheriffs have constantly by their oath discharged themselves of the entire Firme *de Proficuis Comitatus*, and of a great part of their other Firmes of the Vicontiels, or *Remanent' Firme*, and other Rents charged upon them in gross Summs, by swearing the illeviableness of some of those Vicontiels which make up those *Remanent' Firme Comitatus* and gross Summs, yet constantly after this Act and until the year of our Lord

1650

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1650 the entire Firmes, viz. the entire Firme of the *Remanent' post terras datas*, and the entire Firme *de proficuis Comitatus*, were constantly written out in charge to the Sheriff upon the Summons of the Pipe, and entirely charged upon the great Roll, as they had ever been since the Statute of *Rutland*, and in the very same manner, though in truth it was for the most part but an idle piece of formality; for the Sheriffs constantly swear it off by virtue of the Statute. And thus by these Statutes the Sheriff had ease by his oath from that part and those parts of his Firmes that he sweared he could not levy.

—But the truth is the Sheriffs have taken that part of the Statute which was for their ease, viz. to swear in discharge of their Firmes, but have too much omitted that other part of the Statute that was for the King's advantage, viz. the delivery in upon their oaths the Schedules of their Vicontiels: by which omission pos-

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sibly many small, but good, Rates have been lost since the Statute of 2 and 3 *E.* 6. which might have been preserved. Although possibly the far greater part were lost long before, as appears by the complaints of the Sheriffs, in relation to their Firmes, in the Parliament Roll of 11 *H.* 4. above mentioned. And thus the Sheriffs Firmes stood untill the 15th of King *Charles* the first.

CHAP.

CHAP. IX.

The Third Period from the fifteenth year of King Charles the first untill the year of our Lord 1650. And how the Sheriffs Firmes and Accompts stood in that interval.

BY an order of the Court of Exchequer made the 25th. Junii, 15 Car. 1. upon the complaint of the King's Firmor of decayed Rents it was ordered that the Clerk of the Pipe should cast up and compute, and severally and distinctly put in charge arrearages of decayed Rents and parcells of Rents, that process and commissions might be made forth thereupon by virtue of the order. But this proved uneffectual, for although the same was done

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accordingly, yet the King received litte advantage thereby, neither did it at all convenience the Sheriff, or alter the charge written out in the Summons of the Pipe, or upon the great Roll. For the Firmes continued still in charge as before, without any alterations: And though somewhat of small consequence was found out, which might help to make good the Sheriffs Firmes in some particulars, yet the same still fell short, and the Sheriffs were still enforced to make use of the advantage of the Statute of 2 E. 6. to ease themselves by their oath of illeivable Rents, till the year 1650.

CHAP.

CHAP. X.

The Fourth Period of the Sheriffs Firmes from the year 1650 unto this day, and how they were answered in that interval.

IN the times of the late troubles, viz. 6. Julii, 1650. there was an order made in the Court of Exchequer touching the Sheriffs Firmes and the Vicontiel Rents, which because it hath set a Rule in this Business, which to this day is observed, I shall here transcribe *verbatim*.

“ Whereas the Sheriffs of several
 “ Counties of *England* stand charged in the great Roll of the Pipe,
 “ and have so stood charged anciently with divers Summs of Money

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“ ney in gross, *sub nomine Viceco-*
 “ *mitis*, under the several Titles of
 “ *de rem’ Firm’ Com’ post terras da-*
 “ *tas : de veteribus Cr̃i Comitatus.*
 “ *De Firma de proficuo Comitatus.*
 “ *De Cornagio. De Warda Castri.*
 “ *De Firma perprestur’ & escaet.*
 “ *De emerfis Firmis. De minutis*
 “ *particulis. Serjantia de tr̃is Af-*
 “ *sart’ infra diversas Forestas*, and
 “ the like. And the said Sheriffs
 “ yearly, and from year to year,
 “ have been and still are comman-
 “ ded by the Summons of the Pipe,
 “ to levy the same as heretofore to
 “ the use of the Crown, so now to
 “ the use of the Common-wealth,
 “ without expressing where, of
 “ whom, for what cause, or out of
 “ what Lands or Tenements the
 “ same are particularly to be levi-
 “ ed by the said Sheriffs, or out of
 “ what particulars the said Summs
 “ in gross do so arise; in regard
 “ whereof, and that it hath hereto-
 “ fore appeared in the time of King
 “ H. 8. upon complaint of the She-
 “ riffs,

“ riffs, that a great part of the par-
 “ ticular Rents and annual Summs
 “ of Money, wherewith the said
 “ Sheriffs do stand charged upon
 “ their Accompts in gross, had been
 “ long before that time payable by
 “ Monasteries, Abbots, Priors, at-
 “ tainted Persons, and the like,
 “ whose Estates were come to the
 “ Crown, and so ought to be dis-
 “ charged by unity of possession;
 “ and yet that the said Sheriffs were
 “ still charged in gross with the
 “ same, to their great burthen and
 “ grievance; it was in the 34th
 “ year of the said late King *H. 8.*
 “ enacted by Parliament in the
 “ case of these Sheriffs, and of all
 “ Sheriffs for the time to come;
 “ that the said Sheriffs should be
 “ charged to answer upon their Ac-
 “ compts yearly such Rents and
 “ Summs of Money of the natures
 “ aforesaid onely, as by the parti-
 “ cular Rentals or Vicontiels, by
 “ them to be yearly delivered in
 “ upon oath, they should set forth
 “ and

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“ and make appear to be by them
“ leviabie; and that they should
“ be discharged of all the residue
“ which they upon their Oaths
“ should affirm to be illeviabie, by
“ virtue of the said Act of Parlia-
“ ment, which hath been so con-
“ tinued accordingly, ever since.
“ Howbeit the Sheriffs have from
“ time to time complained, and
“ still complain against the writing
“ forth of more to be levied and
“ answered by them upon their Ac-
“ compts, than such Rents and
“ Summs of Money onely as ap-
“ pears upon the oaths of their
“ predecessors, Sheriffs, to be le-
“ viabie; and that the rest, ap-
“ pearing to be illeviabie, ought
“ to be removed out of their said
“ annual Roll, and Commissions
“ thereupon to be awarded out of
“ the Exchequer, for reviving the
“ same according to the true in-
“ tention of the said Statute of
“ 34 *H.* 8. which the now Lord
“ chief Baron, and the rest of the
“ Barons,

“ Barons, taking into their serious
 “ consideration, and being willing
 “ and desirous, so far forth as may
 “ stand with the preservation of
 “ the due rights of the Common-
 “ wealth, to give all fitting ease
 “ and satisfaction to Sheriffs there-
 “ in, according to the meaning of
 “ the said Statute of 34 *H.* 8. and
 “ according to the Statute of *Rut-*
 “ *land*, 10 *Ed.* 1. whereby it is
 “ provided that nothing shall be
 “ written out to the Sheriffs but
 “ such Firmes and Debts whereof
 “ there is some hope that some-
 “ thing may be levied. And that
 “ all dead Firmes and desperate
 “ Debts are to be removed from
 “ the annual or great Roll into the
 “ exannual Roll, and not to be
 “ written forth in process to the
 “ Sheriff, but to be inquired of
 “ to see if any thing may be revi-
 “ ved. Whereupon the said Lord
 “ chief Baron and the rest of the
 “ Barons, calling before them the
 “ Clerk of the Pipe, with the Se-
 “ conda-

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“ condaries, and the rest of the
“ sworn Clerks of the said Office,
“ and upon debate of the business,
“ finding it to be a work of great
“ difficulty, labour and care, to
“ examine and set forth in every
“ County, from the Originals and
“ Records of such antiquity to be
“ compared with later times, the
“ particulars which are from hence-
“ forth to be written to the Sheriffs
“ to levy in certain. And such as are
“ for the reasons aforesaid to be re-
“ moved out of the said annual Roll
“ have nevertheless in ease of all
“ Sheriffs for time to come, with
“ respect to the labour and care of
“ the Officers and Clerks to be by
“ them undergone therein. It is
“ this day ordered that the Clerk
“ of the Pipe, the Secondaries and
“ other sworn Clerks of the said
“ Office in their several assignments
“ shall in pursuance of the said
“ Statute of *Rutland*, and the said
“ Statute of 34 *H. 8.* use their best
“ endeavour, diligence and care,
“ with

“ with as much convenient speed
“ as a work of so great labour and
“ consequence may well be performed, fully to explain and set
“ forth, and shall from henceforth
“ fully explain and set forth, in the
“ subsequent annual Roll of this
“ Court, so many of the particular
“ Rents as they find out and
“ discover by any of the Remembrances, Books, Vicontiels of
“ Sheriffs, or other Records of this
“ Court, to have been, and which
“ be appertaining to the making
“ up of every of the said Firmes so
“ charged in gross Summs as aforesaid, and shall therein distinguish
“ which and how much of those
“ particular Rents have been and
“ are to be yearly answered.

“ And so much of the said Firmes
“ as cannot be explained by setting
“ forth the particulars, together
“ with the particulars so set forth
“ and explained, which have been
“ in decay and unanswered by the
“ space of forty years last past, and
“ which

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“ which are become illeivable, shall
“ be thereupon removed and con-
“ veyed out of the said annual Roll
“ and Sheriffs Accompts into the
“ exannual Roll of this Court.
“ And that Commissions and Pro-
“ cess shall be from time to time a-
“ warded to regain and recover the
“ same, according to the true in-
“ tention of the said Statutes.

This Order produced these Ef-
fects.

I. Great care was taken to col-
lect and set forth the obscure Rents,
and upon what they were charged.

II. The particulars of those Rents
and Vicontiels that made up the
Sheriffs Firmes formerly, of *Rema-
nent' Firme post terras datas*, and
De Cremento Comitatus, as also
those Rents that were charged upon
the Sheriffs in gross Summs, as *De
diversis Firmis*, *De minutis particu-
lis Serjantiarum*, and such other
charges

charges in gros were wholly left out and omitted.

IV. Instead thereof such particular Rents and Vicontiels as made up formerly these Firmes and gros charges, or Money of them as could be discovered were particularly written out in the Summons of the Pipe, and in the great Roll first under the title of several Hundreds, wherein the Bills lay that were charged or had any Lands charged within them with these Vicontiels and the several Vills under the Titles of these Hundreds, and the several Lands that were charged within those Vills, as far forth as could be discovered.

Vills

V. Those Vicontiels that were part of those Firmes or gros charges, and likewise such particular Rents charged formerly in the annual Roll in particular, which had not been answered in forty years before, were removed out of the

H Summons

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Summons of the Pipe and great Roll into the exannual Roll to be put in process as they could be discovered. And thus the form of the charge which had continued ever since 10 E. 1. as to the Firmes and gross Summs, was too lately changed to the great ease of the Sheriffs, of the Court and of the People, who were often harassed by the Sheriffs to make themselves savers, by levying these obscure incertain and illeviable Summs. And all this without any detriment to the King who indeed before had an appearance of great Firmes and Summs expressed in the Summons of the Pipe and great Roll, which yet were sworn off too little by the Sheriffs in pursuance of the Statute of 23 E. 6.

VI. But besides all this, the *Firma de proficuo Comitatus* was also wholly laid aside and put out of the charge of the Summons of the Pipe and the great Roll. It is true there

there is no clear warrant for putting the Firme out of charge by that order, for that order seems to extend onely to Rents and Vicontiels, which indeed made up the other in Firmes and gross Summs charged upon the Sheriffs. But this Firme was answered for the profits of Courts and other casual perquisites, and not in respect of any Vicontiel or annual Rent. But yet for all that, the true extent of that order might extend to put that Firme wholly out of charge, since it is apparent that the profits of the Sheriffs Courts whether Hundred-Courts, County-Courts or *time*, do scarce quit the charges of keeping them at this day, nor for a long time past. Neither is the King *de facto* at any loss thereby, for though before this order this Firme was indeed in charge and carried the shew of some benefit to the King, yet it was wholly sworn off by the Sheriffs by virtue of the Statute of 2 and 3 E. 6.

H 2 Onely

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Onely it seems reasonable that though the *Firma de proficuis* be put out of charge so that the Sheriff should not be compelled to answer a Firme to that which yields little or no benefit, yet that the Sheriff should be charged to accompt for the *Proficua Comitatus* as Bayly or *Custos* though not as Firmor.

And that therefore there should stand in charge upon him to accompt *de Proficuis*, which is all that I can find considerable to be supplied in that order, or in the present methodizing of the great Roll in relation hereunto. And although this order was made in the late time of trouble, yet it hath obtained and stood in force unto this day.

The late Act of this Parliament intituled *An Act for the preventing of the unnecessary delays of Sheriffs, &c.* hath this Clause sutable to the said order, *viz.*

“ And to the end that Sheriffs
“ may for the time future be eased
“ of

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“ of the great charge and trouble
“ which they heretofore have been
“ put to in passing their Accompts
“ in the Exchequer, occasioned part-
“ ly in regard that divers Summs
“ of Money have stood charged
“ upon them in gross without ex-
“ pressing from what persons, or
“ for what cause, or out of what
“ Lands and Tenements, the
“ same are particularly to be le-
“ vied, or out of what particu-
“ lars the said Summs in gross do
“ arise, whereby it cometh to pass
“ that the Sheriffs do still stand
“ charged in gross with divers
“ Summs of Money which were
“ heretofore payable by Abbots,
“ Priors, Persons attainted, and
“ such other Persons, whose E-
“ states are since come to the
“ Crown, or are otherwise dis-
“ charged or illeviable. And part-
“ ly by the Accompt of Seisures,
“ or foreign Accompts, and by
“ exaction of undue Fees of She-
“ riffs upon their opposals. But it

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“ is enacted, &c. that no Sheriffs
“ shall be charged in accompt to
“ answer any illeivable Seifure,
“ Firme, Rent or Debt, or either
“ Seifure, Firme, Rent, Debt or
“ other matter or thing whatsoe-
“ ver, which was not writ in pro-
“ cess to him or them to be levied
“ wherein, the persons of whom,
“ or the Lands and Tenements out
“ of which, together with the cause
“ for which the same shall be so levi-
“ ed shall be plainly and particu-
“ larly expresse, but shall be there-
“ of wholly discharged without Pe-
“ tition, Plea or other trouble or
“ charge whatsoever.

This Act had in effect discharged the old charges in gross, had not this business been before settled by the order of 1650. But by that order the same thing is done and much more, and put into a very good order.

And thus I have done with this intricate Argument touching the
Sheriffs

Sheriffs Firmes. And the occasion of my strict enquiry into it was, a difference between the Auditors and the Clerk of the Pipe: upon the whole debate whereof, I found onely these matters.

1. That, in truth, the great occasion of complaint was, that the Clerks of the Pipe used different methods of accompting from the Auditors of the Revenue, the not observance whereof occasioned a mistaken representation by the Auditors that there was a deceit in their Accompts, whereas it appeared to be no such thing: for when both accompted their several ways, the issue was that the Accompts agreed in the conclusion.

2. That the Firme *de proficuo Comitatus* was put out of charge without Warrant, and it was thought by the Auditors, a great and considerable loss to the Crown, supposing that the Fees for execution of Pro-

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cess and Writs were to make up
that Firme: but this is sufficiently
unriddled before.

3. That there was an allowance
to the Sheriff of *Bucks* of a considerable yearly Summ, *ut Apparatori Comitatus*: This indeed ought not to be allowed at this day, the reason thereof ceasing as hath been shewed; and therefore from henceforth that charge is to be disallowed, but the Clerk of the Pipe not greatly blamable herein, because there was an order of the Court in the Queens time for making that allowance: But the reason whereupon that order was made was a mistake and an error in the Court not in the Clerk that followed the order.

4. That there is no accompt given for the Firmes of Baylywicks as was anciently; which indeed, was parcel of the *Proficuum Comitatus*, as hath been shewed. But
the

the truth is, there is no great reason for any such complaint, the Firmes of Baylywicks being taken away by Act of Parliament, and levy disused in most places.

5. That when a Sheriff is in Surplufage they make it good unto him out of any other debt by the Sheriff himself, or any other Sheriff of the same or any other County, without any Warrant from my Lord Treasurer or the Court. And besides that, the other Sheriff is discharged upon the Roll of his Debt, and it doth not appear upon what reason. And indeed, this is a thing fit to be reformed, and that such allowances be not made without Warrant from the Lord Treasurer, or Order of Court, and that an Entry or Memorandum thereof be made upon the Roll of the Debts so discharged. But yet, the truth is, this manner of allowance hath been a long time used, and it is no novelty or late attempt, neither is there any great damage

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damage to the King by it, for it is but the payment of one real Debt with another. But howsoever, this is fit to be reformed by order of the Court that the Sheriffs deliver not in the Roll of the Vicontiel as is required by the Statute. And it is true, he ought to doe it or should be sworn thereunto. But the necessity is not now so great, because the particular Rents are now charged upon the great Roll by virtue of the order of 1650, which doth in a great measure supply that defect, and yet the delivery in of the Vicontiel Roll may be fit to be revived.

The most of the rest of the complaints were touching particulars mischarged, or not charged, but the Errours were rather in the Complainers than in the Pipe, and for want of a clear understanding of those intricate and obscure proceedings of the Pipe. And upon a full searck of the particulars, I find the Clerks of the Pipe gave very clear satisfaction therein.

Upon

Upon the whole matter of these Accompts, I do observe these Two or Three Observables.

I. That the inconvenience of retaining the old formalities of proceedings, the same terms and words, and very same mood of all things in Accompts, when the nature of things and times requires a change, and accommodation of new forms or expressions is a piece of hurtfull superstition ; therefore , although the change of forms of this nature is not to be done rashly and precipitantly, yet when the exigence of things requires it, there must be an accommodation to the present use, understanding and exigence of affairs.

And hence it is that the Accompts of the Auditors of the Revenue are more easily intelligible as being framed to the use and exigence of the times ; but the Accompts of the Pipe more mysterious
and

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and perplexed, to persons unacquainted with them, for till 10 E. 1. they kept in all things the precise form of writing their great Roll, as had been used in King *Stephen's* time. And the same form they kept untill 1650, abating the alterations made in 10 E. 1. not without great inconvenience to the King's people and Sheriffs.

II. That these small Rents and Vicontiels would be with much more advantage to the King, and be sold off to the several Persons and Townships chargable therewith, than be kept in method of collection, as now they are, unless some more ready collecting of them by the Receivers could be thought upon, provided the Money arising by sale be laid out presently in more certain Revenue: For, 1. They are in respect of their smallness, and dispersedness, and uncertainty of charge and manner of collecting very subject to be lost, as they have

have been commonly from time to time. 2. The charge of collecting and accompting for them by the Sheriff is very great, and the trouble and charge to the people very much more. 3. The cost and trouble to the King in respect of Officers writing and other matters relating thereunto, might be well retrenched thereby. And yet when all is done, it brings a great trouble, and makes a great noise as if it were a Revenue of great moment, and yet by that time the Sheriffs have done swearing of particulars as illeviable, or that they know not where to charge it, it becomes a very pitifull inconsiderable business, and scarce answering the charge of the collecting, accompting and answering it. For it must be observed that although by the order of 1650, the charge is more certain than formerly, yet the Sheriff hath still by the Law the benefit of the Statute of 2 and 3 E. 6. even as to those ascertained Rents, and if he cannot find them he is, and ought to

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to be discharged upon his oath there-
of. And accordingly is daily dis-
charged of many of those Rents
though rendred much more certain
by that order, and the pains and
method of the Charge and Accompt,
used in pursuance hereof. Whereby
in process of time, many, even of
these Rents particularly charged by
virtue of that order, will be succes-
sively lost.

Sed de his curent Superiores.



F I N I S.
